

Amendment No. 1 to HB2171

Terry

Signature of Sponsor

**AMEND Senate Bill No. 2421**

**House Bill No. 2171\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 53-10-302, is amended by adding the following as a new subdivision:

( ) "Part 2 Program" has the same meaning as defined by 42 CFR § 2.11;

SECTION 2. Tennessee Code Annotated, Section 53-10-303(f)(4), is amended by deleting the subdivision and substituting:

(4) The control, sharing, and dissemination of data and information in the database with other states, other governmental entities, and other entities acting on behalf of any such state or governmental entity; and

SECTION 3. Tennessee Code Annotated, Section 53-10-304(d), is amended by deleting subdivisions (d)(1), (5), and (6).

SECTION 4. Tennessee Code Annotated, Section 53-10-304(d), is amended by adding the following as a new subdivision:

( ) Any drug prescribed for administration directly to a patient during the course of inpatient or residential treatment in a hospital or nursing home licensed under title 68 or during the course of inpatient treatment in a hospital licensed under title 33.

SECTION 5. Tennessee Code Annotated, Section 53-10-304(e), is amended by deleting the subsection and substituting:

(e) Notwithstanding subsection (c) or (d), a healthcare practitioner whose practice is a Part 2 Program shall submit the dispensing and administration of all controlled substances in accordance with this part. However, reporting of dispensing or administration by a Part 2 Program is not required by this subsection (e) until the commissioner promulgates rules regulating the reporting of such dispensing and administration, and access to that reported information in a manner consistent with the confidentiality provisions of 42 CFR Part 2.

SECTION 6. Tennessee Code Annotated, Section 53-10-305(f), is amended by adding the language ", subject to the privacy protections of 42 CFR Part 2 for information reported to the database by a Part 2 Program" after the word "database".

SECTION 7. Tennessee Code Annotated, Section 53-10-305(h)(1), is amended by adding the language ", including rules that ensure compliance with 42 CFR Part 2 for information reported to the database by a Part 2 Program" after the language "in this part".

SECTION 8. Tennessee Code Annotated, Section 53-10-306(a), is amended by deleting the language "§ 53-10-311" and substituting "§§ 53-10-304 and 53-10-311".

SECTION 9. Tennessee Code Annotated, Section 53-10-306(a)(2), is amended by deleting the language "or any designee appointed by the committee".

SECTION 10. Tennessee Code Annotated, Section 53-10-306(h), is amended by deleting subdivision (h)(4), redesignating the remaining language of subsection (h) as subdivision (h)(1), and adding the following new subdivision (h)(2):

(2) A healthcare practitioner or healthcare practitioner delegate may place a copy of a patient's report obtained from the database pursuant to this section in that

patient's medical records, with the exception of information reported to the database by a Part 2 Program. Once a copy of a patient's report obtained from the database pursuant to this section is placed in the patient's medical records, the copy is subject to disclosure on the same terms and conditions as medical records under §§ 63-1-117 and 63-2-101. A patient's information reported to the database by a Part 2 Program shall not be placed in the patient's medical records unless doing so complies with the privacy requirements of 42 CFR Part 2 and the rules promulgated by the commissioner pursuant to § 53-10-304(e);

SECTION 11. Tennessee Code Annotated, Section 53-10-306, is amended by adding the following as a new subsection:

( ) Notwithstanding subsections (a) through (p), information reported to the database by a Part 2 Program, as well as a subsequent disclosure of such information, may only be made available in accordance with 42 CFR Part 2 and the rules promulgated by the commissioner pursuant to § 53-10-304(e).

SECTION 12. Tennessee Code Annotated, Section 53-10-308, is amended by adding the following as a new subsection:

( ) Data reported to the database by a Part 2 Program shall not be released under this section or § 53-10-306 unless such release complies with 42 CFR Part 2 and the rules promulgated by the commissioner pursuant to § 53-10-304(e).

SECTION 13. Tennessee Code Annotated, Section 53-10-311(a), is amended by deleting the language "The committee" and substituting "The operations committee".

SECTION 14. Tennessee Code Annotated, Section 53-10-311(b)(1), is amended by deleting "that committee" and substituting instead "the operations committee".

SECTION 15. Tennessee Code Annotated, Section 53-10-311(e)(1), is amended by deleting the subdivision and substituting:

(1) Notwithstanding this part to the contrary, the commissioner is authorized to enter into agreements with the federal centers for disease control and prevention (CDC),

other states, other governmental entities, or entities acting on behalf of the CDC or such state or governmental entity for the purposes of sharing and disseminating data and information in the database.

SECTION 16. Tennessee Code Annotated, Section 53-10-311(e)(2)(A), is amended by deleting the language "by other state or federal entities charged with protecting the public health" and substituting instead the language "or patient care coordination".

SECTION 17. Tennessee Code Annotated, Section 53-10-311(e)(3), is amended by deleting the subdivision and substituting:

(3) Before the commissioner executes an agreement with the CDC, another state, another governmental entity, or an entity acting on behalf of the CDC or such state or governmental entity, the agreement must be approved by the operations committee.

SECTION 18. Tennessee Code Annotated, Section 53-10-311(e), is amended by adding the following as a new subdivision:

( ) An agreement executed by the commissioner pursuant to this subsection (e) must comply with 42 CFR Part 2 to the extent that the agreement includes information reported to the database by a Part 2 Program.

SECTION 19. This act takes effect upon becoming a law, the public welfare requiring it.